



Legal Aid of NorthWest Texas

COMMUNITY REVITALIZATION PROJECT

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With CRP offices in Amarillo, Dallas, Fort Worth, and Lubbock

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November 5, 2019

Regional Freedom of Information Officer
U.S. EPA, Region 6
1445 Ross Avenue (6MD-OE)
Dallas, TX 75202-2733

Via FOIA Online

RE: Freedom of Information request for information related to the Lane Plating Works
Inc. Superfund Site

Dear Freedom of Information Officer:

Legal Aid of Northwest Texas submits this request for records in accordance with the provisions of the Freedom of Information Act (FOIA), 5 U.S.C. § 552. In accordance with FOIA, please provide us with all of the following records:

1. A copy of any and all records, from December 4, 2018 to the present, relating to a Community Involvement Plan for the Lane Plating Works Superfund site located at 5322 Bonnie View Rd., Dallas, Texas (EPA ID No. TXN000605240), required to be completed by 40 CFR § 300.415 (n)(3) and 40 CFR § 300.430 (c)(2). This request includes but is not limited to any records relating to any interviews conducted or scheduled pursuant to 40 CFR § 300.415 (n)(3)(i) and/or 40 CFR 300.430 (c)(2)(i).
2. A copy of any record from December 4, 2019 to the present, related to any community meetings held to discuss the Lane Plating Works Superfund site, located at 5322 Bonnie View Rd., Dallas, Texas (EPA ID No. TXN000605240).
3. A copy of any record, from December 4, 2018 to the present, relating to the training, planning, establishment, or meeting of any Community Advisory Group for the Lane Plating Works Superfund site, located at 5322 Bonnie View Rd., Dallas, Texas (EPA ID No. TXN000605240).
4. A complete list of all members of any Community Advisory Group for the Lane Plating Works Superfund site, located at 5322 Bonnie View Rd., Dallas, Texas (EPA ID No. TXN000605240).
5. A copy of any record, from December 4, 2018 to the present, showing the location, results, and/or analysis of any sampling taken relating to the Lane Plating Works Superfund site, located at 5322 Bonnie View Rd., Dallas, Texas (EPA ID No. TXN000605240).

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The use of the word “record” above includes, but is not limited to, documents in all forms (including electronic), information, emails, faxes, letters, comments, reports, summaries of telephone conversations, handwritten notes, meeting minutes, or any other materials.

FEE WAIVER REQUEST

We request a fee waiver because “disclosure of the requested information is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the government and is not primarily in the commercial interest of the requester.” 40 C.F.R. § 2.107 (l)(1). As demonstrated below, all four factors related to the first fee waiver requirement, as specified in EPA’s FOIA regulations at 40 C.F.R. § 2.107 (l)(2)(i)-(iv), weigh in favor of granting our fee waiver request. In the event that fees are not waived, please notify and inform us of the basis for your decision.

Factor 1: Disclosure of the Requested Records Concerns Operations or Activities of the Government.

The subject of the requested records relates to the activities conducted by EPA at the Lane Plating Works Inc. Superfund site pursuant to the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (CERCLA).

Factor 2: Disclosure of the Requested Records is Likely to Contribute to an Understanding of Government Operations or Activities.

The requested disclosure will enable the requesters and the public to better understand the approach, methods, and results of EPA’s removal actions conducted at the Lane Plating Works Inc. Superfund site. It will also allow the community to better understand the steps EPA has taken to involve the surrounding community in the cleanup process.

Factor 3: Disclosure of the Requested Records Will Contribute to the Understanding of a Reasonably Broad Audience of Persons Interested in Removal Actions and Outreach Efforts of the Lane Plating Works Inc. Site

Legal Aid of NorthWest Texas, specifically the Community Revitalization Project (LANWT-CRP) has an interest in the environmental justice issues arising from CERCLA remediation and the ability and intention to convey this information to the public. LANWT-CRP is housed under Legal Aid of NorthWest Texas, and is uniquely positioned to work with communities facing environmental justice challenges. LANWT-CRP intends to evaluate the requested materials and share the disclosed information with the local community.

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Factor 4: The Contribution to Public Understanding of Government Operations or Activities Will be Significant

The public understanding of EPA's outreach efforts and removal actions will be enhanced by the requested disclosure to a significant extent. It is currently unclear what efforts EPA has taken to comply with its obligation to seek involvement from the local community. It is also unclear to what extent EPA's sampling and analysis has determined the risk posed to the surrounding areas. LANWT-CRP expects the requested records to significantly educate the public on these issues.

Additionally, the second fee waiver requirement—that the request “is not primarily in the commercial interest of the requester,” 40 C.F.R. § 2.107(l)(3)—is also satisfied. LANWT-CRP is a nonprofit organization and does not have any “commercial interest that would be furthered by the requested disclosure” of information. 40 C.F.R. § 2.107(l)(3)(i). LANWT-CRP's interest in obtaining the requested information is to broaden public understanding of the government operations at the Lane Plating Works Inc. Superfund site.

Thank you for your assistance.

Sincerely,

/s/ Joseph A. Mokodean

Joseph A. Mokodean
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